

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

C-ONE TECHNOLOGY,

Plaintiff,

v.

MOUNT AND STOELKER,

Defendant.

No. C 08-2442 PJH
No. C 08-3660 RMW

**ORDER RELATING
CASES**

An order of referral for the purposes of determining relationship was recently filed in Mount & Stoelker v. C-One Technology, C 08-3660 RMW, as well as the earlier-filed instant action. Having reviewed the complaints filed in both actions, this court has determined that the later-filed action is related to the instant action, since both actions concern substantially the same parties, property, transaction or event, and it furthermore appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges. See Civ. L. R. 3-12 (a, b). Accordingly, and in view of this relatedness, the later-filed case is hereby REASSIGNED to the undersigned.

With respect to the recently filed motion for remand that is pending in later-filed Case No. 08-3660, this motion shall be heard instead by the undersigned, in conjunction with the motion to dismiss that is pending in Case No. 08-2442. The hearing date with respect to *both* motions is furthermore CONTINUED to October 1, 2008, in Courtroom 3, 17th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, California 94102. The opposition and reply briefs with respect to the motion to remand shall be filed in accordance

1 with the schedule set forth in Civil L.R. 7-3.

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3 **IT IS SO ORDERED.**

4 Dated: August 14, 2008



PHYLLIS J. HAMILTON
United States District Judge